IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 1ST MARCH 2007 / 10TH PHALGUNA 1928

WP(C).No. 2860 of 2005(M)

PETITIONER:

CENTRAL LODGE, REP. BY ITS PARTNER,
M.M. SHAHUL HAMEED, CENTRAL LODGE, POWER HOUSE
ROAD, THIRUVANANTHAPURAM.

BY ADV. SRI.M.ANILKUMAR
SRI.K.ANAND
SRI.A.ANOOP

RESPONDENTS:

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1. THE KERALA WATER AUTHORITY,
WATER WORKS BUILDINGS, VELLAYAMABALAM,
THIRUVANANTHAPURAM, REP. BY ITS
MANAGING DIRECTOR.

2. THE ASSISTANT EXECUTIVE ENGINEER,
KERALA WATER ATHORITY, CHALI SECTION,
KURIYATHI SUB-DIVISION, THIRUVANANTHAPURAM.

BY ADV. SRI.THOMAS MATHEW NELLIMOOTTIL,SC,KWA
BY ADV. SMT.AMBIKA DEVI, SC, KWA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 (SERIES) TRUE PHOTOCOPIES OF PROVISIONAL SERVICE CARDS ISSUED TO THE PETITIONER.

EXT.P2 TRUE COPY OF PLAINT O.S.NO. 1858 OF 2002 FILED BY THE PETITIONER BEFORE THE HON'BLE MUNSIFF'S COURT, THIRUVANANTHAPURAM DATED 17.12.2002

EXT.P3 TRUE COPY OF I.A. IN O.S.1858 OF 2002 FILED BY PARTNER OF PETITIONER BEFORE THE DO.DO.

EXT.P4 TRUE COPY OF WRITTEN STATEMENT DATED 13.2.2004 FILED BY RESPSONDENTS IN O.S.1858 OF2002 BEFORE THE DO.DO.

EXT.P5 TRUE COPY OF NOTICE DATED 11.1.2005 ISSUED TO PETITIONER BY2ND RESPONDENT

EXT.P6 (SERIES) TRUE COPIES OF RECEIPTS UPTO 2002 ISSUED TO PETITIONER FROM 1ST RESPONDENT.

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 2860 OF 2005

Dated this the 1st day of March, 2007

JUDGMENT

While counsel for the petitioner submitted that the matter has become infructuous counsel for the respondents submitted that petitioner is allowed to enjoy the connection only by virtue of the interim orders of this Court on condition of deposit of Rs. 55000/-. There is no need to contest the water bill before this Court because appeal is provided before the Executive Engineer after payment of 50% of the disputed amount. If the petitioner has any grievance and if petitioner deposits 50% of the disputed amount and files appeal, the appellate authority will dispose of the appeal. If payment is not made and liability is not contested, respondents are free to disconnect supply.

W.P. is closed as above.

(C.N.RAMACHANDRAN NAIR)
Judge